

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/22/99

AGENDA ITEM 4 OS

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Consolidated Landscaping and Lighting District No. 96-1, Zone 7 (Twin Bridges Community Park) – Conduct a Public Hearing, Adopt the Engineer's Report, and Order the Levy of Assessments

RECOMMENDATION:

It is recommended that the City Council approve the Engineer's Report, confirm the diagram and assessment, and order the levy of assessment for fiscal year 1999-2000.

DISCUSSION:

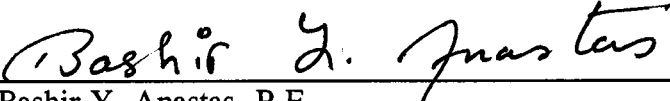
On May 4, 1999, the City Council adopted a resolution of intention to levy the annual maintenance assessment within Zone 7 of Consolidated Landscaping and Lighting District No. 96-1. Zone 7 was formed in 1998, but a vote was necessary to establish an assessment range that will address the future needs of the District, and to maintain facilities that were not in existence in 1998.

Property owners were provided a mail-in ballot and a separate, sealable envelope to vote on the assessment. To be included in the tabulation of the votes, ballots must be delivered to the City Clerk prior to the close of the public hearing tonight.

On May 27, 1999, staff held an informational meeting in the Twin Bridges development with residents and interested parties to help answer questions relating to the assessment. At that meeting, some residents questioned the rationale for having to maintain a "public" park. Staff explained that the park is but one component of facilities and features that are unique to the development, and that the development would not have been approved without these provisions for infrastructure maintenance.

The proposed annual assessment for Zone 7 is set as a range between \$300.90 and \$597.57, with the collection amount for fiscal year 1999-00 set at \$366.84. Future year assessments can vary within the range, depending on the budget needs of the district. The attached Engineer's Report provides additional information regarding the proposed assessments.

Prepared by:


Bashir Y. Anastas, P.E.

Development Review Services Engineer

Recommended by:


Sylvia Ehrental

Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments:

Engineer's Report for Landscaping and Lighting District No. 96-1, Zone 7
Draft Resolution(s)

4.28.99

CITY OF HAYWARD

LANDSCAPING AND LIGHTING DISTRICT ZONE 7

WITHIN

CONSOLIDATED LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1

MISSION BOULEVARD, INDUSTRIAL PARKWAY, ARROWHEAD WAY

ANNUAL LEVY REPORT

LANDSCAPING AND LIGHTING ACT OF 1972

(FISCAL YEAR 1999-00)

ENGINEER'S REPORT

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1. Background, including Apportionment Methodology
 2. Certifications
 3. Apportionment Methodology, including Estimate of Costs
 4. Engineer's Cost Estimate
 5. Assessment Roll for Fiscal Year 1999-00
 6. Assessment Diagram for Fiscal Year 1999-00
 7. Resolution No. 99-___, Ordering the Levy and Collection of Assessments
 8. Plans indicating Proposed Facilities Maintained by the District are on File in the Office of the City Clerk

BACKGROUND

On December 17, 1996, the City Council approved by Resolution No. 96-246 Vesting Tentative Tract Map 7015 for 343 residential lots. Map approval was conditioned upon the formation of a Landscaping and Lighting District to maintain common area landscaping and other facilities, as follows:

- a. Planting, irrigation, the multi-use pathway, and other associated improvements located within the landscape easements and street right-of-way along Mission Boulevard and Industrial Parkway;
- b. Medians and abutting landscaping along the entrance roads and traffic circles, including the bridge structure, signs, and decorative entry paving;
- c. Planter strips along the collector street ("A" Drive);
- d. Bus shelters;
- e. Walls and fences that face Mission Boulevard, Industrial Parkway, the entrance roads, the golf course and along the Line N drainage channel (including graffiti removal);
- f. Any specialty street or landscape lighting; and
- g. Neighborhood park.

Three final maps have since been recorded, and the landscape and lighting district was formed in 1998 with levy amounts set based on the then installed improvements. This year's update establishes a range of assessment as explained below.

The developer is responsible for maintaining the landscaping for a minimum period of one-year following the acceptance of the tract improvements, which will likely extend through fiscal year 1999-00. The City may hire a licensed landscape contractor to maintain the landscaping and the street side of the wall.

APPORTIONMENT METHODOLOGY

The homes within the tract are/will be contiguous to each other. The architecture, landscaping features and masonry wall set these developments off as a distinct and separate community. Given the extent of the improvements and the resulting aesthetics that benefit the developments, there is a necessity that there be a continuity of maintenance and a guarantee of an entity to perform the maintenance.

The benefit derived by the individual residential lots within the district is indistinguishable between lots; therefore, all lots derive the same benefit and the method of assessment will be based on a per lot basis.

Four of the parcels have been designated for future golf course or neighborhood park uses. These parcels, which are owned by the City, receive no special benefit, since they contain no residents. Therefore, the special benefit for each of the four parcels is established as equal to the special benefit received by one residential lot.

Pursuant to the Landscaping and Lighting Act of 1972, each year the legislative body must determine what assessment will be levied for that fiscal year.

The project's total incidental cost for the Zone 7 area includes costs for preparation of legal documents and noticing, preparation of the specifications for and administration of the landscape maintenance contract, a cash flow fund to cover cost expenditures prior to receipt of 2000-01 assessments from the County, irrigation and plant replacement funds and County collection charges.

The Engineer's Cost Estimate reflects costs for FY 1999/00 for all the items to show the level of costs that are expected to occur within the district in the future, including the neighborhood park maintenance costs.

The per parcel assessment has been increased and computed as a range, from \$140.95 to \$597.57, with the exact amount to be levied in any given year to be determined by the District budget for that year. This range is based on the amount of maintenance that will be ultimately required when all of the improvements that are subject to maintenance through the District have been installed. In addition, this range of assessments is subject to an annual percentage increase equal to the percentage increase from April of the prior year to April 1 of the current year in the California Consumer Price Index, as determined by the California Department of Industrial Relations.

The budget for fiscal year 1999-00, is computed at \$366.84 per parcel, which is the collection amount based on the District's maintenance needs for FY 1999-00.

LANDSCAPING AND LIGHTING DISTRICT ZONE 7

WITHIN

**CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 96-1**

**CERTIFICATIONS
FISCAL YEAR 1999-00**

I, the City Clerk of the City of Hayward, California, hereby certify that the Engineer's Report, with an estimate of costs as set forth in Column (1) page 5 and the assessment diagram, all within and a part of said report, was filed with this office on May 4, 1999.

City Clerk

I have prepared this Engineer's Report and do hereby certify that the amounts set forth in Column (2) under Estimate of Costs on page 5 of the foregoing report, and the breakdown of estimated costs on page 7 of this report have been computed in accordance with the order of the City Council of said City, as expressed by its Resolution No. 99-____, duly adopted by said Council on May 4, 1999.

Dated: June 17, 1999

City of Hayward

By: _____

Bashir Z. Jnatas
Engineer of Work

I, the City Clerk of the City of Hayward, California, hereby certify that the Estimate of Cost as shown in Column (3) under Estimate of Costs on page 5 and the Assessment Diagram thereto attached were approved and confirmed by the City Council of said City on _____, 1999, Resolution No. 99-____, subject documents are a part of the Engineer's Report of subject district which is on file in this office.

City Clerk

I, the City Clerk of the City of Hayward, California, hereby certify that a certified copy of the Assessment Diagram was filed in the office of the County Auditor of the County of Alameda, California, on _____, 1999.

City Clerk

ASSESSMENT

WHEREAS, on July 28, 1998, by Resolution No. 98-153, the City Council of the City of Hayward, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972, adopted its Resolution Initiating and Approving Formation of Zone 7 within Consolidated Landscaping and Lighting Assessment District No. 96-1.

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the Council of said City, hereby select the method of spreading assessments utilizing a per lot basis as most accurately distributing the costs in proportion to benefits received.

The amount to be paid for the maintenance of said improvements, and the expenses incidental thereto, are as follows:

	Estimate of Costs*		
	(1) As Filed	(2) As Preliminarily Approved	(3) As Finally Approved
Cost of Maintenance	\$ 84,667.00	\$ 84,667.00	
Incidental Expenses	\$ 43,127.84	\$ 43,127.84	
Total Assessable Costs FY 1999-00	\$127,794.84	\$127,794.84	
Total Anticipated Surplus Funds	(\$500.00)	(\$500.00)	
Total to be Collected for FY 1999-00	\$127,294.84	\$127,294.84	
Number of Assessable Parcels	347	347	
Collection Per Parcel	\$ 366.84	\$ 366.84	

* These costs pertain to the 1999-00 budget year only. The assessment range is as shown by the engineer's estimate on page 7.

As required by said Act, a diagram is hereto attached showing the exterior boundaries of said assessment district and each lot of land within said assessment district, each of which lots having been given a separate number upon said diagram.

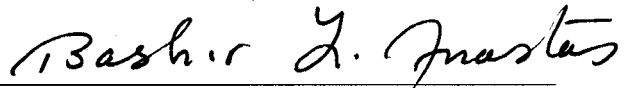
I do hereby assess the net amount to be assessed upon all assessable lots within said assessment district by apportioning that amount among the lots in proportion to the estimated benefits to be received by each such lot from the landscape improvements, and more particularly set for in the list hereto attached and by reference made a part hereof. The method of spreading assessments utilizing a per lot basis was selected as most accurately distributing the costs in proportion to benefits received.

The diagram and assessment numbers appearing herein are the diagram numbers appearing on said diagram, to which reference is hereby made for a more particular location of said lots.

Each lot is described in the assessment roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 1999-00 and includes all of such parcel.

For line and dimensions of the lots reference is made to the Assessors Map. For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivision reference is hereby made to the Final Map of Tract 7015, filed in the Office of the Recorder of Alameda County on November 20, 1997.

Dated: June 17, 1999



Bashir Y. Anastas, P.E.

Engineer of Work

ZONE 7 ANNUAL LEVY REPORT -- LLD NO. 96-1, FY 99/00

**CONSOLIDATION AND ANNUAL LEVY REPORT
CONSOLIDATED LANDSCAPING AND LIGHTING DISTRICT NO. 96-1
(LLD NO. 96-1)**

ZONE 7

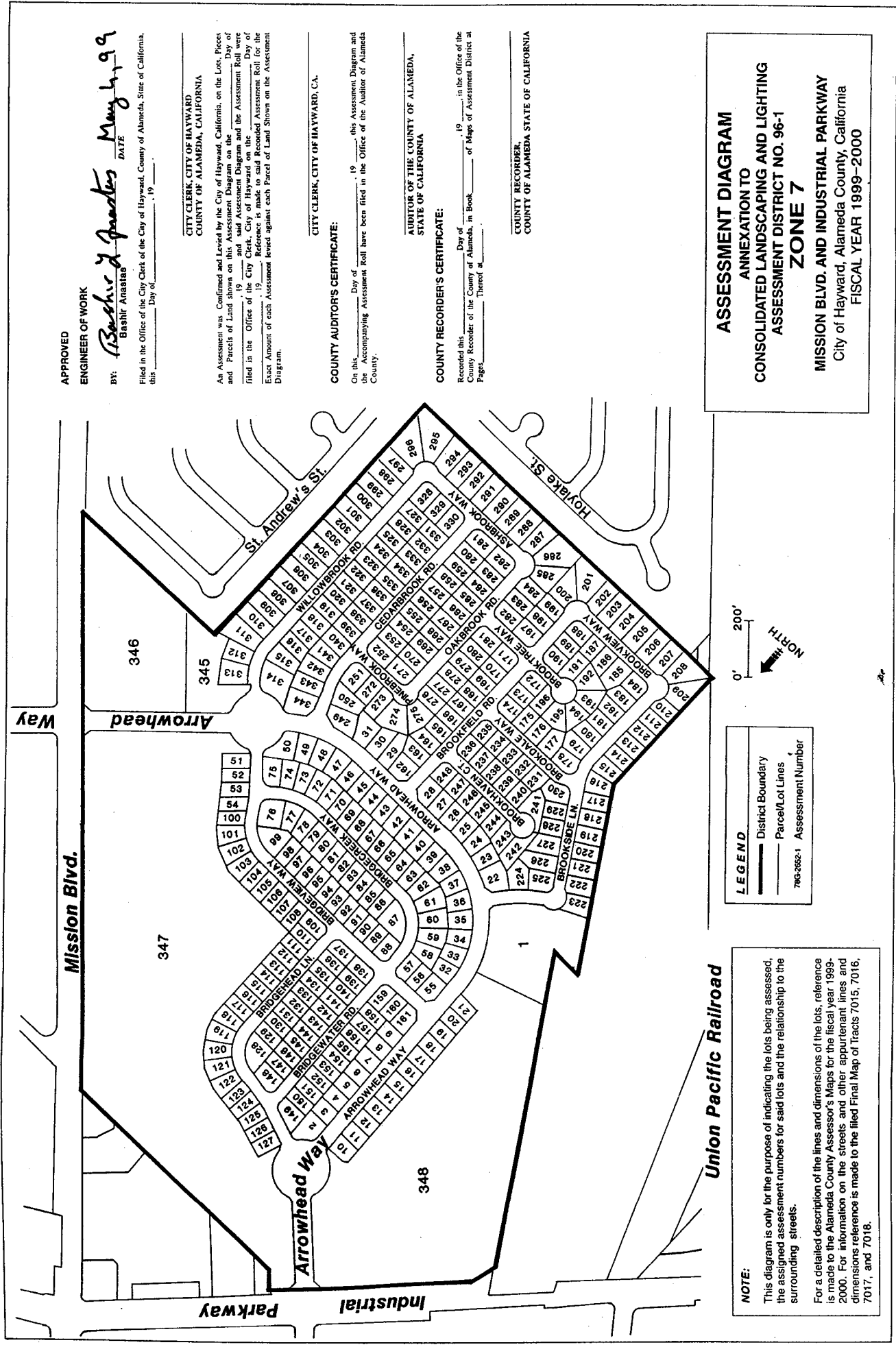
(MISSION BOULEVARD, INDUSTRIAL PARKWAY AND ARROWHEAD WAY)

**Engineer's Cost Estimate⁽¹⁾
FY 99/00**

	FY 99/00 Range of Costs		Budget
	<i>Low</i>	<i>High</i>	
<u>I. MAINTENANCE COSTS</u>			
(a) Irrigation water	9,250.00	18,500.00	9,250.00
(b) Electrical energy	900.00	1,800.00	900.00
(c) Irrigation Maintenance	4,095.00	13,650.00	4,095.00
(d) Landscaping maintenance including debris removal, weeding, trimming, and spraying	61,675.00	123,350.00	61,675.00
(e) Masonary wall (surface maintenance)	300.00	1,500.00	300.00
(f) Bus Shelters	300.00	1,500.00	300.00
(g) Street Lights	450.00	1,500.00	450.00
(e) Contingency	7,697.00	8,090.00	7,697.00
Total Maintenance Cost	84,667.00	169,890.00	84,667.00
<u>II. INCIDENTAL COSTS</u>			
(a) Administration (City)	8,000.00	14,000.00	9,000.00
(b) Engineer's Report, preparation of documents, printing, and advertising	3,500.00	5,000.00	4,000.00
(c) Reserve Fund for Replacement of Capital Assets ⁽²⁾	4,000.00	10,000.00	5,000.00
(d) Plant Replacement Fund ⁽³⁾	3,000.00	5,000.00	3,000.00
(e) Cash Flow Fund (33%; includes prior fiscal year)	0.00	0.00 ⁽⁴⁾	20,000.00
(f) County Collection Charges (1.7%)	1,745.34	3,466.13	2,127.84
Total Incidental Costs	20,245.34	37,466.13	43,127.84
<u>III. TOTAL ASSESSABLE COSTS</u>	104,912.34	207,356.13	127,794.84
Less Surplus from prior fiscal year	-500.00	0.00	-500.00
NET ASSESSMENT COLLECTION FOR FISCAL YEAR	104,412.34	207,356.13	127,294.84
Number of Assessable Parcels	347.00	347.00	347.00
Assessment per Parcel	300.90	597.57	366.84

NOTES:

- ⁽¹⁾ This estimate is the basis for the FY 99/00 assessment. Figures shown at the high end of the estimate range reflect the estimate of costs to the District once all of the improvements are installed. It is likely that District expenditures during FY 99/00 will be less than shown since all of the improvements will not become the responsibility of the District until late in the fiscal year or during the following year. The Budget Column reflects most likely outcome for FY 99-00.
- ⁽²⁾ This figure is the combined capital fund for street lights and irrigation facilities. Combined balance at the end of FY 1998/99 = \$16,850.00
- ⁽³⁾ The balance of the Plant Replacement Fund as of the end of FY 98/99 is \$3,350.00
- ⁽⁴⁾ Operating Cash Flow Fund needed upon buildout of the District is \$68,763.13, and is assumed to be fully funded in the initial two years after the district is formed. Balance of fund as of the end of FY 98/99 is \$40,409.33; with \$20,000 budgeted in FY 99/00.



APPROVED
ENGINEER OF WORK

BY: *Bashir Anasies* *May 4, 1999*
DATE

Filed in the Office of the City Clerk of the City of Hayward, County of Alameda, State of California, this _____ Day of _____, 19____.

CITY CLERK, CITY OF HAYWARD
COUNTY OF ALAMEDA, CALIFORNIA

An Assessment was Confirmed and Levied by the City of Hayward, California, on the Lots, Pieces and Parcels of Land shown on this Assessment Diagram, on the _____ Day of _____, 19____, and said Assessment Diagram and the Assessment Roll were filed in the Office of the City Clerk, City of Hayward on the _____ Day of _____, 19____. Reference is made to said Recorded Assessment Roll for the Exact Amount of each Assessment levied against each Parcel of Land Shown on the Assessment Diagram.

CITY CLERK, CITY OF HAYWARD, CA.

COUNTY AUDITOR'S CERTIFICATE:

On this _____ Day of _____, 19____, this Assessment Diagram and the Accompanying Assessment Roll have been filed in the Office of the Auditor of Alameda County.

AUDITOR OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA

COUNTY RECORDER'S CERTIFICATE:

Recorded this _____ Day of _____, 19____, in the Office of the County Recorder of the County of Alameda, in Book _____ of Maps of Assessment Districts as Page _____ Thereof # _____.

COUNTY RECORDER,
COUNTY OF ALAMEDA STATE OF CALIFORNIA

ASSESSMENT DIAGRAM
ANNEXATION TO
CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESSMENT DISTRICT NO. 96-1
ZONE 7

MISSION BLVD. AND INDUSTRIAL PARKWAY
City of Hayward, Alameda County, California
FISCAL YEAR 1999-2000

0' 200'
NORTH

LEGEND
— District Boundary
— Parcel/Lot Lines
766-2662-1 Assessment Number

NOTE:
This diagram is only for the purpose of indicating the lots being assessed, the assigned assessment numbers for said lots and the relationship to the surrounding streets.
For a detailed description of the lines and dimensions of the lots, reference is made to the Alameda County Assessor's Maps for the fiscal year 1999-2000. For information on the streets and other appurtenant lines and dimensions reference is made to the filed Final Map of Tracts 7015, 7016, 7017, and 7018.

(1)

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(2)

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(3)

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(4)

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(5)

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(6)

Assessor's Parcel Number	Assessment Diagram Number
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078G 2654 073 00	321
078G 2654 074 00	322
078G 2654 075 00	323
078G 2654 076 00	324
078G 2654 077 00	325
078G 2654 078 00	326
078G 2654 079 00	327
078G 2654 080 00	328
078G 2654 081 00	329
078G 2654 082 00	330
078G 2654 083 00	331
078G 2654 084 00	332
078G 2654 085 00	333
078G 2654 086 00	334
078G 2654 087 00	335
078G 2654 088 00	336
078G 2654 089 00	337
078G 2654 090 00	338
078G 2654 091 00	339
078G 2654 092 00	340
078G 2654 093 00	341
078G 2654 094 00	342
078G 2654 095 00	343
078G 2654 096 00	344
078G 2651 018 01	345
078G 2651 018 02	346
078G 2651 017 00	347
078G 2651 016 00	348
078G 2651 019 00	1

ASSESSMENT DIAGRAM

ANNEXATION TO
CONSOLIDATED LANDSCAPING AND LIGHTING
ASSESS

DRAFT

DM 6-1-99

CITY OF HAYWARD

RESOLUTION NO. 99- _____

Introduced by Council Member _____

**A RESOLUTION APPROVING ENGINEER'S REPORT FOR ZONE 7 OF
THE CONSOLIDATED LANDSCAPING AND LIGHTING ASSESSMENT
DISTRICT NO. 96-1, CONFIRMING DIAGRAM AND ASSESSMENT AND
ORDERING LEVY OF ASSESSMENT FOR FISCAL YEAR 1999-2000**

BE IT RESOLVED, by the City Council of the City of Hayward as follows:

WHEREAS, by its Resolution 99-066, entitled "A Resolution Directing Preparation of Annual Report For Zone 7 of the Consolidated Landscaping Assessment District No. 96-1" adopted on May 4, 1999, (the "Resolution"), this Council designated Bashir Anastas as Engineer of Work and ordered said Engineer to make and file a report in writing for its Zone 7 of the Consolidated Landscaping and Lighting Assessment District No. 96-1 (the "Maintenance District") in accordance with and pursuant to the provisions of the Landscaping and Lighting Act of 1972 (the "Act");

WHEREAS, the report was duly made and filed with the City Clerk and duly considered by this Council and found to be sufficient in every particular, whereupon it was determined that the report should stand as the Engineer's Report for all subsequent proceedings under and pursuant to the aforesaid resolution, and that June 22, 1999, at the hour of 8:00 o'clock p.m. in the City Council Chambers, 777 B Street, Hayward, California, was appointed as the time and place for a public hearing by this Council on the question of the levy of the proposed assessment, notice of which hearing was given as required by law; and

WHEREAS, at the appointed time and place the hearing was duly and regularly held, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy were fully heard and considered by this Council, and all oral statements and all written protests or communications were duly heard, considered and overruled, and all assessment ballots received were duly tabulated, and this Council thereby acquired jurisdiction to order the levy and the confirmation of the diagram and assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof;

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED, as follows:

1. The assessment ballots submitted by the owners of property within the Maintenance District in favor of the increased assessment exceeded those submitted in opposition to the increased assessment. Any protests to the proposed Maintenance District or to the assessments are hereby overruled.

2. The public interest, convenience and necessity require that the levy be made.
3. The Maintenance District benefitted by the improvements and assessed to pay the costs and expenses thereof, and the exterior boundaries thereof, are as shown by a map thereof filed in the office of the City Clerk, which map is made a part hereof by reference thereto.
4. The Engineer's Report as a whole and each part thereof, to wit:
 - (a) the Engineer's estimate of the itemized and total costs and expenses of maintaining the improvements and of the incidental expenses in connection therewith;
 - (b) the diagram showing the assessment district, plans and specifications for the improvements to be maintained and the boundaries and dimensions of the respective lots and parcels of land within the Maintenance District; and
 - (c) the assessment of the total amount of the cost and expenses of the proposed maintenance of the improvements upon the several lots and parcels of land in the Maintenance District in proportion to the estimated benefits to be received by such lots and parcels, respectively, from the maintenance, and of the expenses incidental thereto; are finally approved and confirmed.
5. Final adoption and approval of the Engineer's Report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the assessment, as contained in the report, as hereinabove determined and ordered, is intended to and shall refer and apply to the report, or any portion thereof as modified to delete the provision of police and fire services from the Maintenance District and as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by this Council.
6. The assessment to pay the costs and expenses of the maintenance of the improvements for fiscal year 1999-2000 is hereby levied. For further particulars pursuant to the provisions of the Act, reference is hereby made to the Resolution.
7. Based on the oral and documentary evidence, including the Engineer's Report, offered and received at the hearing, this Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefitted by the maintenance of the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of the

diagram and assessment and a certified copy of this resolution with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the City's Finance Director.

9. Upon receipt of moneys representing assessments collected by the County, the Finance Director shall deposit the moneys in the City Treasury to the credit of the improvement fund previously established under the distinctive designation of the Maintenance District. Moneys in the improvement fund shall be expended only for the maintenance, servicing, construction or installation of the improvements.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward